

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2019-12
)	
KING BOB LEONARD and TOMMY RAMIREZ,)	
)	
Defendants.)	
)	

ATTORNEYS:

Gretchen Shappert, United States Attorney
Delia L. Smith, AUSA
Jennifer H Blecher, AUSA
United States Attorney's Office
St. Thomas, U.S.V.I.
For the United States of America,

Allan A. Rivera-Fernandez
Luis Rafael Rivera Law Office
San Juan, PR
Darren John-Baptiste
Law Offices of Darren John-Baptiste
St. Thomas, VI
For King Bob Leonard.

Alex Omar Rosa-Ambert
Rosa-Ambert Law Offices
San Juan, PR
For Tommy Ramirez.

ORDER

GÓMEZ, J.

Before the Court are the applications of King Bob Leonard ("Leonard") and Tommy Ramirez ("Ramirez") to waive their speedy trial. Leonard and Ramirez also each move to continue the trial in this matter. Ramirez's attorney is currently involved in a

trial which is expected to conflict with the scheduled trial date for this matter. For the reasons stated herein, the time to try this case is extended up to and including March 23, 2020.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. First, an extension of time is necessary to allow Ramirez time to review the discovery in this matter. Second, without an extension, Leonard and Ramirez each would be denied reasonable time necessary to explore plea options and prepare for trial. Third, Leonard and Ramirez each made their request with the advice and consent of counsel.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted."

United States v. Fields, 39 F.3d 439, 444 (3d Cir. 1994); *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not 'complex.'"); see also *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . .

opportunity to . . . decid[e] upon and prepar[e] an appropriate defense."); *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982) (holding there was no abuse of discretion where district court found that multiple count, multiple defendant "case was complex and required additional time for adequate preparation."); *cf. United States v. Santiago-Becerril*, 130 F.3d 11, 17 (1st Cir. 1997) (explaining that, where a defendant had moved to continue his trial due to his counsel's unavailability, the "period of delay" caused by an ends of justice continuance includes the time "reasonably required to schedule a new trial date" in "consideration of the court's calendar").

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through March 23, 2020, shall be excluded in computing the time within which the trial for King Bob Leonard and Tommy Ramirez must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that Leonard's motion to continue, ECF No. 96, is **GRANTED**; it is further

ORDERED that Ramirez's motion to continue, ECF No. 94, is **GRANTED**; and it is further

ORDERED that the jury trial in this matter previously scheduled for January 6, 2020, is hereby **RESCHEDULED** to commence

promptly at 9:00 A.M. on March 23, 2020, in Saint Thomas
Courtroom 1 before District Judge Curtis V. Gomez.

S\ _____
Curtis V. Gómez
District Judge